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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,917	04/01/2002	Jacky Forestier	136.168	3274
7590	07/28/2005		EXAMINER	
PATTERSON, THUENTE, SKAAR & CHRISTENSEN P.A. 4800 IDS CENTER 80 SOUTH 8TH STREET MINNEAPOLIS, MN 55402-2100			CHOW, MING	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/009,917	FORESTIER, JACKY	
Examiner	Art Unit		
Ming Chow	2645		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 01 April 2002.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 23-40 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) Claim(s) _____ is/are allowed.
6) Claim(s) 23-40 is/are rejected.
7) Claim(s) _____ is/are objected to.
8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 4-1-102 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date / 2-10-01 /

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ .

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____

Information Disclosure Statement

1. The item AN of information disclosure statement filed on 12-10-01 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Objections

2. Claim 23 recites "the processing" (line 1), "the establishing" (line 2), "the making" (line 2-3), "the connection" (line 3), "the identification of the called party" (line 3), "the called party" (line 3), "the basis" (line 4, line 5), "the voice print" (line 6), "the security" (line 7). There is insufficient antecedent basis for these limitations in the claim.

3. Claim 27 recites "the correspondence" (line 3), "the characteristics" (two occurrences on line 3). There is insufficient antecedent basis for these limitations in the claim.

4. Claim 28 recites "the preliminary recording" (line 2). There is insufficient antecedent basis for these limitations in the claim.

5. Claim 29 recites "the checks" (line 2). There is insufficient antecedent basis for these limitations in the claim.

6. Claim 30 recites "the event" (line 3). There is insufficient antecedent basis for these limitations in the claim.

7. Claims 31 and 33 are same claims.

8. Claim 34 recites "the calling individual" (line 2). There is insufficient antecedent basis for these limitations in the claim.

9. Claim 35 recites "the identification" (line 2), "the called parties" (line 2), "the basis" (line 2), "the processing" (line 3), "the identification" (line 3-4), "the basis of a piece" (line 4), "the setting up" (line 4), "the verification" (line 5), "the basis of a second piece" (line 6), "the pieces" (line 6), "the data" (line 6), "the voice print" (line 7). There is insufficient antecedent basis for these limitations in the claim.

10. Claim 36 recites "the processing of telephone calls" (line 2-3). There is insufficient antecedent basis for these limitations in the claim.

11. Claim 38 recites “the received code” (line 3), “the code previously recorded” (line 3), “the case” (line 3). There is insufficient antecedent basis for these limitations in the claim.

12. Claim 40 recites “the calls” (line 2), “the telephone terminals” (line 2), “the identification” (line 5), “said caller” (line 5), “the pieces” (line 6), “the setting up” (line 7), “the basis (line 8), “the utterance” (line 8), “the verification” (line 10). There is insufficient antecedent basis for these limitations in the claim.

Also, the phrase [(UYO] should be read as [(UYO)].

Drawings

13. The drawings are objected to because proper legends were missing. A proposed drawing correction or corrected drawings are required in reply to the Office Action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

14. Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term “it” (line 5) is not clearly defined. It is unclear the claimed “it” refers to “the making of the connection” (line 2-3), or “the connection” (line 3), or “an utterance” (line 3), or others.

Also, the phrase “this identification” (line 5) is not clearly defined. It is unclear the claimed “this identification” refers to “the identification of the called party” (line 3) or “an identification of the caller” (line 4).

Also, the phrase “the identification” (line 7) is not clearly defined. It is unclear the claimed “the identification” refers to “the identification of the called party” (line 3) or “an identification of the caller” (line 4).

15. Claim 26 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase “the identification” (line 2) is not clearly defined. It is unclear the claimed “the identification” refers to “the identification of the called party” or “an identification of the caller”.

Also (including claim 27), the “the piece or pieces of biometric data” (line 2-3) is unclear if it refers to one piece of biometric data of said caller” (line 4-5 claim 23) or “one other piece of biometric data (line 6 claim 23).

16. Claim 29 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase “the checks” (line 2) is not clearly defined. It is unclear the claimed “the checks” refers to “the identification of the called party”, or “an identification of the caller”, or “a verification of the voice print” (line 7 claim 23), or others.

17. Regarding claim 39, the word "means" is preceded by the word(s) "fingerprint reading" in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).

Also, claim 39, a “means” claim depends on a “method” claim 23.

18. Claim 35 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term “it” (line 5) is not clearly defined. It is unclear what is referred by the claimed “it”.

Also, the phrase “the identification” (line 5-6) is not clearly defined. It is unclear the claimed “the identification” refers to “the identification of the called parties” (line 2) or “the identification of said callers” (line 3-4).

Also, the phrase “the pieces” and “the data” (line 6) is not clearly defined. It is unclear the claimed “the pieces” refers to “a piece of biometric data” (line 4) or “a second piece of biometric data” (line 6).

19. Claim 36 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term “comprising” (line 3) is not clearly defined. It is unclear the claimed “comprising” refers to “interface” (line 1), or “the module” (line 1), or “UYO” (line 2), or others. Also, the term “which” (line 3) is not clearly defined. It is unclear what is referred by the cited “which”.

Also, the term “likely” (line 4) renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Also, the term “said data” (line 4) is not clearly defined. It is unclear the claimed “said data” refers to “a piece of biometric data” (line 4 claim 35) or “a second piece of biometric data” (line 6 claim 35).

Also (including claim 37), the phrase “this identification” (line 6) is unclear which limitation it refers to.

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20. Claim 40 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "it" (line 2) is not clearly defined. It is unclear what is referred by the claimed "it".

Also, the term "comprising" (line 3) is not clearly defined.

Also, the term "likely" (line 4) renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Also, the "the pieces" (line 6) is unclear what is referred.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The following shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

21. Claim 28 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to

which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The phrase “the preliminary recording of the voice print” is not disclosed by the specification.

Although the specification disclosed an objective, on page 2 line 4, of such limitation. However, the specification disclosed, on page 5 line 17-18, the learning process is for voice recognition but not for recording of the voice print.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

22. Claims 23-28, 30-33, 35, 36, 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gutzmann (US: 6327347), and in view of Comerford et al (US: 6107935).

Regarding claims 23, 24, 26, 31, 32, 33, 35, Gutzmann teaches on column 1 line 49 to column 2 line 48, column 6 line 1-24, authenticate a caller based on the voice print before connecting the caller to a called party.

Gutzmann failed to teach “utterance identifies the called party”. However, Comerford et al teach on column 8 line 57-61, voice dialing to identify called party’s name.

It would have been obvious to one skilled at the time the invention was made to modify Gutzmann to have the “utterance identifies the called party” as taught by Comerford et al such that the modified system of Gutzmann would be able to support the system users an easy method of identifying called party by utterance.

Regarding claims 25, 39, see column 2 line 4-5.

Regarding claim 27, see column 4 line 54 to column 5 line 46.

Regarding claim 28, see column 5 line 34-46, the multiple steps of search in order to identify the calling party is a learning process.

Regarding claims 30, 38, see column 5 line 44-46.

Regarding claim 36, all rejections as stated in claim 35 above apply.

Gutzmann teaches on item 13 Fig. 1, central office (claimed “unit for processing telephone calls”).

Gutzmann teaches on Fig. 3 and 4, database.

Regarding claim 40, all rejections as stated in claim 23 above apply.

Gutzmann teaches on column 5 line 35, speech recognizer (claimed “RV”).

23. Claims 29, 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gutzmann, and in view of Comerford et al, and further in view of Mark (US: 5825871).

Gutzmann in view of Comerford et al as stated in claim 23 failed to teach “the checks are carried out randomly during communication”. However, Mark teaches on column 48 line 57-67, voice prints are checked on random basis.

It would have been obvious to one skilled at the time the invention was made to modify Gutzmann to have the “the checks are carried out randomly during communication” as taught by Mark such that the modified system of Gutzmann would be able to support the system users enhanced security.

24. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gutzmann, and in view of Comerford et al.

The modified system of Gutzmann in view of Comerford as stated in claim 33 above failed to teach “the characteristic of the calling individual is the individual’s family name”. However, the contents of the voice print as taught by Gutzmann is a “decide choice”.

It would have been obvious to one skilled at the time the invention was made to modify Gutzmann to have the “the characteristic of the calling individual is the individual’s family name” such that the modified system of Gutzmann would be able to support the system users a specific verification by the family name.

Conclusion

25. The prior art made of record and not replied upon is considered pertinent to applicant's disclosure.

- Nolan (US: 6799163) teaches biometric identification system.

26. Any inquiry concerning this application and office action should be directed to the examiner Ming Chow whose telephone number is (703) 305-4817. The examiner can normally be reached on Monday through Friday from 8:30 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703) 305-4895. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (703) 306-0377. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to Central FAX Number 703-872-9306.

Patent Examiner

Art Unit 2645

Ming Chow



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